PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , JULY 9 , 19 91

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING July 9 ,19 91 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY Present , BURNS Present , EDMONDS Present ,
GiaQUINTA Present , HENRY Present , LONG Present ,
REDD Present , SCHMIDT Present , TALARICO Present ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR June 25 ,19 91
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 9th day of July, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of July, 19 91.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

26 June 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-06-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

Z-91-06-07
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From RB to POD		

DETAILS

Specific Location and/or Address

4402 E State St

Reason for Project

Development of a Professional Office District

Discussion (Including relationship to other Council actions)

17 June 1991 - Public Hearing

(See Attached Minutes of Meeting)

24 June 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Richard H & Bessie M Murphy **City Department** **Other**
Opponents	**Groups or Individuals** **Basis of Opposition**
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 16 May 1991

Projected Completion or Occupancy Date 26 June 1991

Fact Sheet Prepared by Date 26 June 1991
Patricia Biancaniello

Reviewed by Date 27 June 1991
Michael A Stapp

Reference or Case Number

Bill No. Z-91-06-07 - Change of Zone #478
From RB to POD
4402 E State Bl

Primary Development Plan for Fort Wayne Oncology & Hematology Company

Jim Federoff, attorney, representing the petitioner appeared before the Commission. Mr. Federoff stated that this is a 4 acre tract located immediately to the west of the Orthodontic Office Building owned by Dr. Dillinger. He stated that they felt their request would provide a logical extension of the professional office zoning that has occurred in the past. He stated that the proposed structure to be located on the property is a one story medical office building containing approximately 14,800 sq ft with a basement. He stated that they have relocated the entrance to the property to the east as suggested by staff. He stated that the building is located in the middle of the tract with two parking areas in the front and in the rear. He stated that the parking area in the front is for patient parking and the rear will be for employees. He stated that the surface drainage was a concern. He stated that the topography is such that it drains naturally from west to east and there will be subterranean pipe located in the parking area with catch basins that will collect the surface drainage and discharge it at the southwest portion of the site. He stated that hopefully the work that will be done will assist the surface drainage of the adjacent subdivision. He stated that medical waste was a concern of some the areas residents that they spoke with. He stated that by law the medical waste that is used by the practice has to be stored in puncture proof containers and has to be kept in a locked room. He stated that there will be no medical waste in the dumpsters. He stated that the landscaping is another important issue. He stated that the recommendation of staff is to mound the front of the traffic along E. State Street and also the west and east property lines. He stated that they met with Kingston Park Subdivision and the concern they heard from the residents was that they would prefer not to have the 6' high mounding. He stated they feel that the mounding will act as a dam for surface water drainage and also they felt they would rather have a more open view. He stated that they have no objections to the conditions stated by staff other than the mounding along the west.

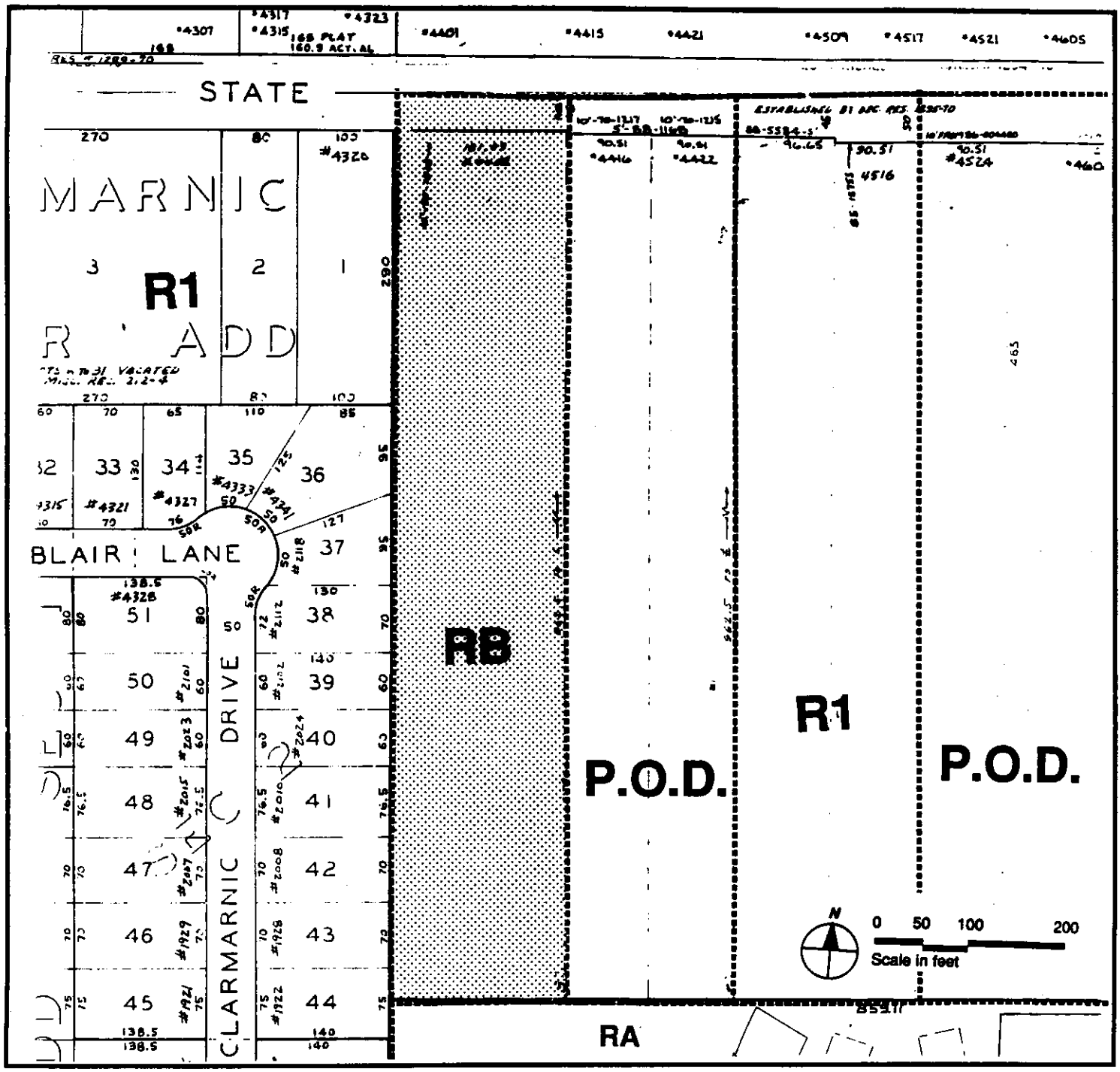
Tom Cashen, 1922 Mathias Street, President of the Kingston Park Neighborhood Association appeared before the Commission. Mr. Cashen stated that they have met with the Renaissance representatives and they feel that the developers have done their homework and were most accommodating to the peoples concerns.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #478



COUNCILMANIC DISTRICT NO. 2

Map No. S-14
LW 5-23-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-06-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1991.

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

James A. Federoff, attorney for Richard H. and Bessie M. Murphy, requests a change of zone from RB to P.O.D.

Location: 4402 E. State Blvd.

Legal: See file

Land Area: Approximately 4 acres

Zoning: RB

Surroundings:

North	RA	Residential
South	RA	Multi-family residential
East	POD	Dr. Dellinger's Office
West	R-1	Single family residential

Reason for Request: Development of a Professional Office District.

Neighborhood Assoc.: Kingston Park Community Assoc.

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Landscape: No comment. (Will address landscape concerns through the development plan process.)

Planning Staff Discussion:

This site is located between an existing P.O.D. (Dr. Dellinger's) and single family residential uses to the west. It is on the south side of East State in an area where the Plan Commission has seen fit to support professional office development in the past. There is only one similar sized parcel located between this site and the intersection of Reed Road to the east which is not zoned for professional office development.

This proposal will fit in well with the existing development pattern along this area of State Street. With the existing POD's located to the east, approval will allow this parcel to develop

as a professional office. As this is a planned district, the development plan review will allow for the provision of some additional protection to the existing residential uses to the west and south.

Recommendation: DO PASS for the following reasons:

1) Approval is consistent with the Comprehensive Plan, and with the character of development in this area.

2) Approval is consistent with previous policies for development along this section of the State Street corridor.

3) Approval will represent the highest and best use of the property.

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

26 June 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-06-38

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

Z-91-06-38
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Map Amendment
From R-1 to R-3

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
4183 Stellhorn Road

Reason for Project
Two 4-unit residential structures.

Discussion (Including relationship to other Council actions)

17 June 1991 - Public Hearing

(See Attached Minutes of Meeting)

24 June 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) voted against the motion.

Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Robert Crosby **City Department** **Other**
Opponents	**Groups or Individuals** Joanne Varner/4724 Ottawa Dr Richard Talmer/4332 Albert Dr **Basis of Opposition** -not consistent with characte of area; -could have a negati impact on property values in the immediate area.
Staff Recommendation	☐ For ☒ Against **Reason Against**
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 15 May 1991

Projected Completion or Occupancy — Date 26 June 1991

Fact Sheet Prepared by — Date 26 June 1991

Patricia Biancaniello

Reviewed by Michael A. Dapp — Date 27 June 1991

Reference or Case Number

Bill No. Z-91-06-08 - Change of Zone #476
From R-1 to R-3
4183 Stellhorn Road

Robert Crosby, 3715 Kirkwood Dr, petitioner appeared before the Commission. Mr. Crosby stated that he wanted to build two single story 4-unit apartments buildings. He stated that each unit would have approximately 4,000 to 5,000 sq ft. He stated that the property is a very deep lot and encompasses almost 2 acres. He stated that in only covering 10,000 sq ft of land he would be leaving at least 77,000 sq ft of land for landscaping and parking and open space. He stated that his plan shows attached carports for the units, recreation areas and new landscaping. He stated that these units will be attractive and quality built. He stated that there are two small old dilapidated and very unsightly buildings presently on the property. He stated that these structures would be taken down to accommodate the new structures. He stated that this new construction would be an asset to the area. He stated the State Highway Department intends to 4-lane part of Stellhorn Road within the next year. Part of the 4-lanes will be in front of the property in question. He stated that in addition to the 4-lanes it will be adding a center turn lane. He stated that he had checked with the State Highway Department and because of the proposed small traffic flow into this complex there would be no need for deceleration lanes. He stated that because of the busy highway the property value and the size of the land he felt it was very doubtful that a new single family residence would be built there. He stated that there is a church across the street from this property, a doctor's office about one half a block away. He stated that Woodview Manor Apartments are approximately 3 blocks away. He stated that east of the parcel there is Ivy Wood Apartments approximately 4 blocks away. He stated that both of the apartment complexes he mentioned have single family homes adjacent to them. He stated that along Stellhorn Road there are commercial projects with single family structures in between them. He stated in summary he felt the rezoning of the property for the use of two small apartment buildings is not inconsistent with any development along S.R. #37 that is presently there. He stated that it would add to the quality of life in the existing area by removing the existing eyesore and by providing a new maintenance free complex.

Steve Smith questioned if there was not a lesser zoning classification that would accommodate this request and questioned if the petitioner would be agreeable to perfecting the request. He suggested that the petitioner work with the staff prior to the business meeting with regard to perfecting the request to a less dense classification.

The following people spoke in opposition to the request.

- Joanne Varner, President of the Tamarack Civic Association, 4724 Ottawa Dr, representing the citizens in Tamarack Addition
- Richard Talmer, 4332 Albert Dr

- Richard Stresser, 4034 Daner Dr, representing the Ranchwood Association

They stated the following reasons for their opposition.

- R3 zoning will not enhance property values of area
- R3 zoning will allow uses unsuitable for the area
- R3 zoning allows uses that do not conform to the surrounding areas of well kept single family homes
- R3 zoning uses will create more traffic problems in area

In rebuttal, Mr. Crosby stated that the proposed structure will look very much like a residential structure. He stated that there is plenty of room on the property for all off street parking and felt this would be an asset to the area.

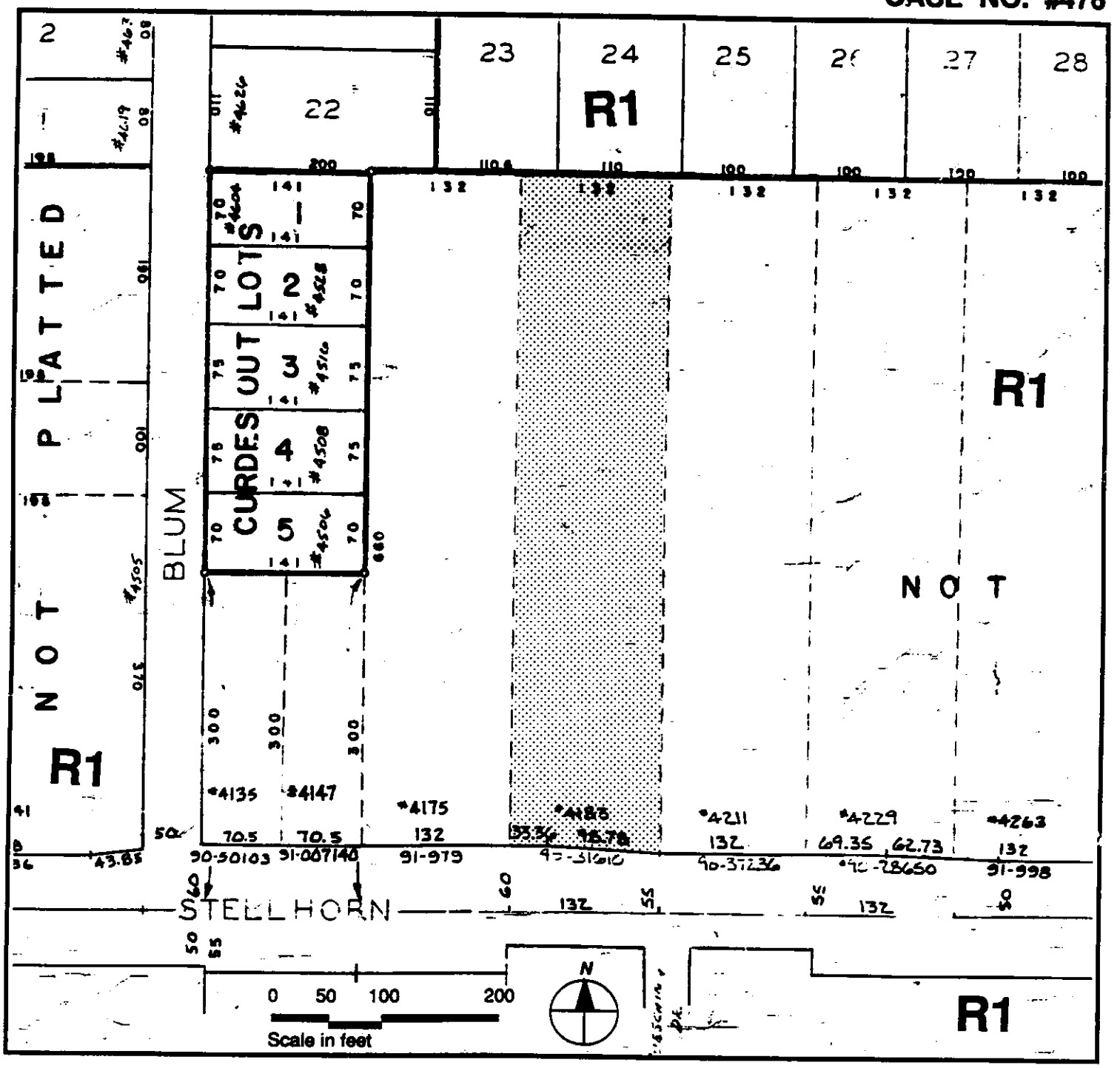
Mr. Hutner stated that he felt Mr. Crosby should consider doing something different with the zoning request and suggested the petitioner meet with the staff and perhaps with the neighborhood association to see if something could be worked out.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #476



COUNCILMANIC DISTRICT NO. 2

Map No. S-30
LW 5-23-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-91-06-38; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1991.

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

Robert C. Crosby, agent for George E. Parker, requests a change of zone from R-1 to R-3.

Location: 4183 Stellhorn Road

Legal: See file

Land Area: Approximately 2 acres

Zoning: R-1

Surroundings:

North	R-1	Single Family Residential
South	R-1	SFR and a church
East	R-1	Single Family Residential
West	R-1	Single Family Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: None

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the comprehensive plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Northeast Sector of the Outer Ring. The goal of the Northeast Sector is to maintain a balanced development pattern within the urban service area.

The Northeast Sector is primarily suited for residential development. However, residential development should be limited to areas within the existing developed boundaries of the Northeast Sector. The abundant number of existing, as well as proposed, shopping centers reveals that additional shopping centers which are designed to service an area larger than the immediate neighborhood are not needed in this sector. Also, there should not be any new industrial developments in the Northeast Sector.

Landscape: Approval is not recommended, R-3 allows uses not compatible with surrounding area.

Planning Staff Discussion:

This area of Stellhorn Road has been developed residentially. There is a church across the street, at the intersection with Buesching Drive, and a doctors office on the northwest corner of Stellhorn Road and Blum Drive. The doctor's office is located in a apparent residential structure that had a portion converted for chiropractic use, while the doctor still appears to reside there.

The requested R-3 designation is a residential classification in nature, however, it does allow a number of uses that may not fit in well with existing single family development. Some of these uses are multi-family residential, nursing homes, non-profit private clubs, mortuaries, and an office or studio.

Due to the nature of the area both in terms of its character and the condition of the majority of the housing stock, some of the permitted uses in the requested zoning could be detrimental to "quality of life" concerns for the area's residents. The requested zoning designation does not appear to be responsive to the development need of the area, nor does it represent responsible growth patterns. Approval would in fact create a "spot zone" in the midst of existing single family uses, establishing an unwarranted precedent.

Recommendation: Do Not Pass for the following reasons:

1) Approval would not be consistent with the character of the area.

2) Approval could be detrimental to "quality of life" concerns for the area residents.

3) Approval could have a negative impact on property values in the immediate area.

The City of Fort Wayne

26 June 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-91-06-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

FACT SHEET

Z-91-06-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment From RA to R-1		

DETAILS

Specific Location and/or Address

Portions of Breconshire Subdivision Phases III and V.

Reason for Project

To provide continuity of zoning designations in the Breconshire Subdivision.

Discussion (Including relationship to other Council actions)

17 June 1991 - Public Hearing

Zorb Tazian, engineer, representing the Westbridge Company, stated that they are requesting the downzoning in accordance with a letter from the staff that stated it would like to see the area downzoned to R-1. He stated that currently the RA and R-1 zoning crosses some of the existing and proposed lot lines and this rezoning would make the zoning consistent with the use. He stated that the developer has no objection to the requested rezoning.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

24 June 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted in favor of the motion, one (1) did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) The Westbridge Company City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 15 May 1991

Projected Completion or Occupancy Date 26 June 1991

Fact Sheet Prepared by Date 26 June 1991

Patricia Biancaniello

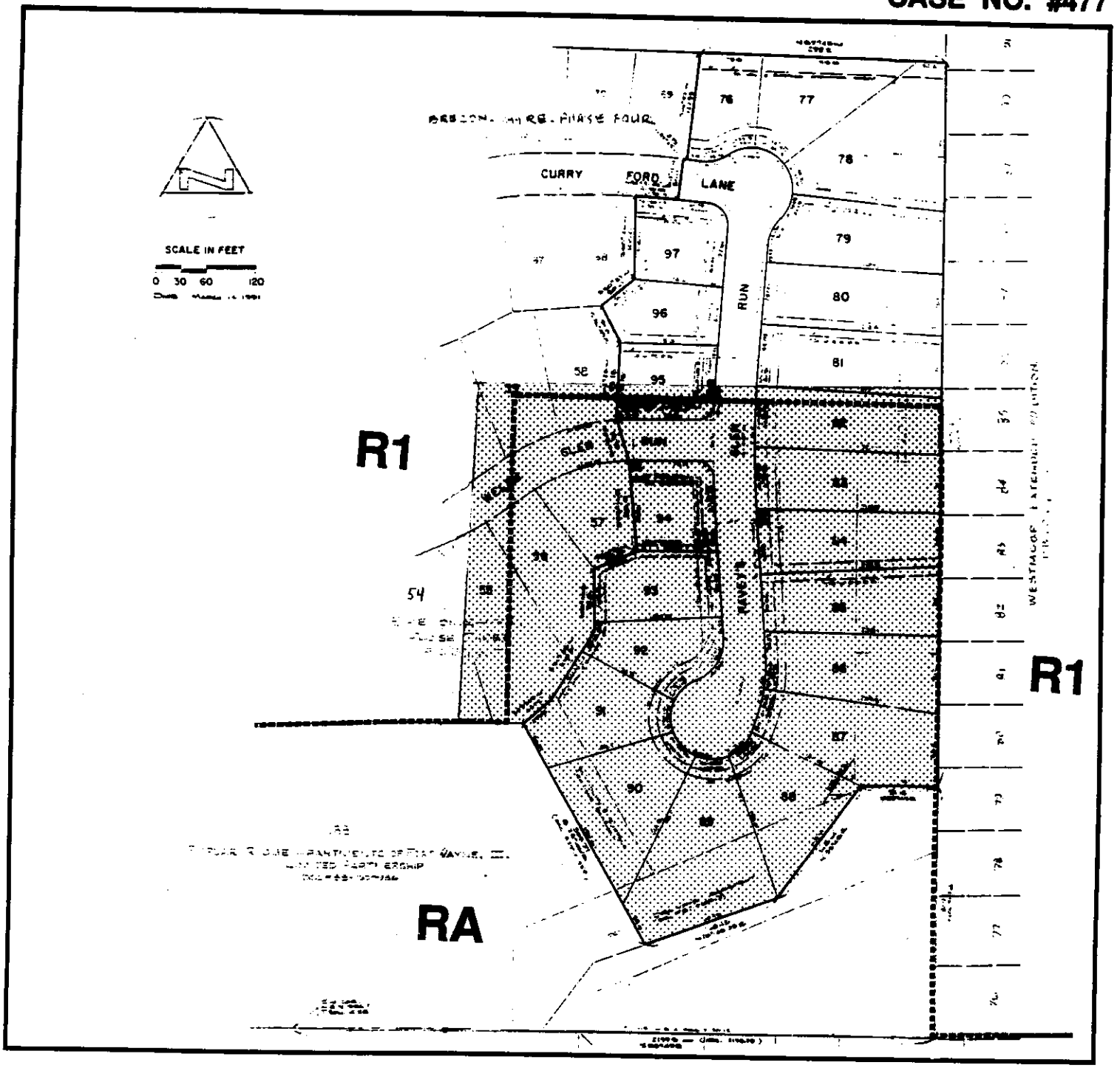
Reviewed by Michael A. Sapp Date 27 June 1991

Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #477



COUNCILMANIC DISTRICT NO. 4

Map No. E-2
LW 5-23-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 11, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-06-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 17, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held June 24, 1991.

Certified and signed this
26th day of June 1991.

Robert Hutner
Secretary

M. Jack Powell, Jr., President of THE WESTBRIDGE COMPANY, INC., requests a change of zone from RA & R-1 to R-1.

Location: Portions of Phase III and V of Breconshire Addition. (Welch Glen Run and Pavey's Glen Run)

Legal: See File

Land Area: Approximately 6 acres

Zoning: RA

Surroundings:

North	R-1	Proposed SFR
South	RA	Multi-family
East	R-1	Single family residential
West	R-1	Single family residential

Reason for Request: To provide continuity of zoning designations in the Breconshire Addition.

Neighborhood Assoc.: Breconshire

Neighborhood Plan: No comment.

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the West Sector of the Outer Ring. The goal of the West Sector is to contain growth to the Urban Service Area.

The West Sector is primarily suited for residential development and some industrial development.

The downzoning of this area from RA to R-1 would help preserve the present residential uses in this area of Fort Wayne.

Landscape No comment.

Planning Staff Discussion:

In the review process for the platting of Breconshire Phase IV, staff noted that some proposed lots would be split by a zoning line. Staff generally does not approve of the creation of

parcels that have multiple zoning since each zoning designation may have its own separate set of standards and permitted uses.

In discussions with the developer, alternatives were explored that would eliminate these multiple zoning, and that would further enhance the single family character of the subdivision. The outcome of those discussions is this downzoning request. Since the existing RA District boundary line does not follow any identifiable reference points, the staff, in their drafting of the legal description, defined an area slightly larger than the RA district so as to be able to use existing subdivision and lot boundary lines. Hence, a petition that reflects a rezoning from RA and R-1.

Approval of this petition would designate all of Breconshire as a R-1 zoning classification. The R-1 designation is a single family classification, which would help preserve the character of this existing development. Future, approval would be consistent with the Plan Commission's concerns for the potential impacts of surrounding development on this established neighborhood.

Recommendation: DO PASS for the following reasons:

1) Approval is consistent with the character of development in this subdivision.

2) Approval would eliminate split zoning on lots in Phases III and V in this subdivision.

3) Approval would clearly restate the intent that this ground should only be developed as single family residential properties.